

REMARKS

Claims 1-10 are pending. By this Amendment, Claims 1 and 7 are amended and new Claim 10 is added.

In the Office Action, the Examiner rejects Claims 1 and 4-5 under 35 U.S.C. § 102(b) over U.S. Patent No. 5,029,941 to Twisselmann (Twisselmann). This rejection is respectfully traversed.

As shown in Figure 1 of Twisselmann, a bottom member 52 is attached to the seat via a member 51. The member 52 is not secured to a surface that supports the seating unit, for example a ground or floor surface. Accordingly, Twisselmann fails to disclose or suggest a seating system including one or more seating units, each seating unit including a seat portion, and left and right stanchions attached to the seat portion on left and right sides of the seat portion, each stanchion including a bottom member having a first end adapted to be secured to a surface and a second end, *wherein the surface supports the seating system*, and a second member having a first end adapted to be secured to the second end of the bottom member at any one of a plurality of different angular relationships, as recited in independent Claim 1, and similar features recited in independent Claim 7. Withdrawal of the rejection of Claims 1 and 4-5 under 35 U.S.C. § 102(b) over Twisselmann is respectfully requested.

In the Office Action, the Examiner rejects Claims 2-3 under 35 U.S.C. § 103(a) over Twisselmann in view of U.S. Patent No. 5,207,791 to Scherbarth. This rejection is respectfully traversed.

As shown in Figure 1 of Scherbarth, Scherbarth's universal hand support device is secured to the seat of a chair or stool 12, not to a surface that supports the

chair or stool 12, for example a floor surface. Accordingly, Scherbarth fails to overcome the deficiency of Twisselmann described above with respect to Claims 1 and 7. Claims 2-3 depend from allowable Claim 1, and are therefore likewise allowable for at least the same reasons. Withdrawal of the rejection of Claims 2-3 under 35 U.S.C. § 103(a) over Twisselmann in view Scherbarth is respectfully requested.

In the Office Action, the Examiner rejects Claims 1 and 6-9 under 35 U.S.C. § 103(a) over U.S. Patent No. 3,343,870 to Thatcher, *et al.* (Thatcher) in view of Twisselmann. This rejection is respectfully traversed.

As shown in Figure 1, Thatcher discloses stadium-style seating having rigid, one-piece standards A, A' that connect to a floor surface and support seat units B.

Since in Twisselmann the articulated arm supports 150, 50 having members 53, 52, 51 are fastened to and supported by the seat 30, if Twisselmann were combined with the Thatcher the result would be articulated arm supports fastened to and supported by the seat units B, *not* the standards A, A'. Accordingly, Thatcher and Twisselmann, when considered both separately and in combination, fail to disclose or suggest independent Claims 1 and 7, as well as Claims 6 and 8-9 that variously depend from Claims 1 and 7. Withdrawal of the rejection of Claims 1 and 6-9 under 35 U.S.C. § 103(a) over Thatcher and Twisselmann is respectfully requested.

Applicants further note that Twisselmann, Thatcher and Scherbarth, when considered both separately and in combination, fail to disclose or suggest that the seat portion is connected to the second end of the bottom member and the first end of the second member via a boss and via a fastener passing through the second end


of the bottom member, the first end of the second member, and the boss, as recited in Claim 10.

Applicant respectfully submits that application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, please contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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